

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

DANIEL CRISOTOMO,

Plaintiff,

v.

AKIMA FACILITIES MANAGEMENT, LLC,

Defendant.

Case No.: 13-cv-5187 YGR

**ORDER TO SHOW CAUSE REGARDING
PLAINTIFF'S FAILURE TO COMPLY WITH
CIVIL LOCAL RULE 7-3(A); EXTENDING
DEFENDANT'S TIME TO REPLY**

TO THE PARTIES AND THEIR COUNSEL OF RECORD:

The above-named Plaintiff's counsel is hereby **ORDERED TO SHOW CAUSE** why he should not be sanctioned for failing to comply with Civil Local Rule 7-3(a), which provides that an opposition to a motion "must be filed and served not more than 14 days after the motion was filed." In this case, Defendant filed a motion to dismiss Plaintiff's complaint on November 12, 2013. (Dkt. No. 7.) Therefore, under Civil Local Rule 7-3(a), Plaintiff's opposition was due on November 26, 2013, and, under Civil Local Rule 7-3(c), Defendant's reply was due on December 3, 2013. Plaintiff did not file an opposition until the afternoon of December 3, 2013. (Dkt. No. 12.) This untimely filing deprived Defendant of a meaningful opportunity to reply to the opposition.


A hearing on this Order to Show Cause shall be held concurrently with the regularly noticed motion hearing set for **Tuesday, January 7, 2014**, on the Court's 2:00 p.m. calendar, in Courtroom 5 of the United States Courthouse located at 1301 Clay Street, Oakland, California. No later than **Wednesday, December 11, 2013**, Plaintiff's counsel shall file a written response to this Order to

1 Show Cause. The response shall explain the basis for Plaintiff's counsel's failure to file a timely
2 opposition and shall not exceed 3 pages in length.

3 Defendant requests that the Court disregard the late-filed opposition in its entirety or, in the
4 alternative, extend Defendant's time to reply. (Dkt. No. 14 at 3.) The Court **DENIES** the former
5 request but **GRANTS** the latter and hereby **EXTENDS** Defendant's time to file its reply to the
6 opposition. Defendant's reply is due no later than **Wednesday, December 11, 2013**.

7 **IT IS SO ORDERED.**

8
9 Dated: December 4, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court

Northern District of California